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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,112	06/26/2003	Mathew E. Hockstra	110466-152110	9254
31817 7590 12/28/2007 SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 S.W. FIFTH AVE. PORTLAND, OR 97204			EXAMINER FRITZ, BRADFORD F	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 12/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/609,112

Applicant(s)

HOEKSTRA ET AL.

Examiner

Bradford F. Fritz

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-17,19-23 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17,19-23 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1, 2, 4-17, 19-23, and 26-30 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-17, 19, 20, 22, 23, 26-28, and 30 are rejected under 35 U.S.C. 103(a) as being anticipated by Nilsson et al. (7,120,695) in view of Coulombe et al. (2003/0055949), hereinafter referred to as Coulombe.
4. Regarding claims 1 and 26, Nilsson disclosed first requesting, by the client device, a first content from a content provider, including providing a characteristic profile to the content provider, the characteristic profile including one or more characteristics of the client device (column 3, lines 1-7); receiving, by the client device, a first reply from the content provider responsive to the first requesting (column 3, lines 7-10), the first reply including a query for a dynamic characteristic of the client device (column 3, lines 44-48 and lines 29-35); second requesting, by the client device, the first content from the content provider, the second requesting incorporating a query result (*flag/attribute*

set for complete CPI) for the query, the query result including the dynamic characteristic (column 3, lines 35-38 and lines 43-50); and second receiving, by the client device, a second reply from the content provider responsive to the second requesting (column 3, lines 43-50 and 55-67), the second reply including the first content or portion thereof (column 3, lines 43-50 and 55-67), wherein the first content or portion thereof is determined by the content provider based at least in part on the dynamic characteristic (column 3, lines 43-50 and 55-67).

However Nilsson does not explicitly teach that the characteristic is a "dynamic" characteristic. Coulombe teaches query and reply for a "dynamic" characteristic of the client device (paragraph 0096). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature as taught by Coulombe in the system of Nilsson because both are from the same field of endeavor of profiling mobile device and in order to dynamically report a device's bit rate and adjust data content accordingly (paragraph 0001).

5. Regarding claim 2, Nilsson disclosed a third requesting, by the client device, a second content from the content provider, wherein the third requesting automatically incorporates the query result for the query (column 3, lines 35-38 and lines 43-50).

6. Regarding claim 4, Nilsson disclosed determining if the content provider is caching the query result (column 3, lines 35-38 and lines 43-50), and if so, determining, by the client device, if the query result has changed since the first requesting (column 3, lines 35-38 and lines 43-50); and wherein if the query result has not changed, said third

request does not incorporate the query result for the query (column 3, lines 35-38 and lines 43-50).

7. Regarding claim 5, Nilsson disclosed wherein if the query result has changed, said third request automatically incorporates the query result for the query (column 3, lines 35-38 and lines 43-50).

8. Regarding claim 6, Nilsson disclosed determining, by the client device, if the content provider is caching the query result (column 3, lines 35-38 and lines 43-50), and if so, determining if the query result has changed since the first requesting (column 3, lines 35-38 and lines 43-50); and wherein if the query result has not changed, said third request does not incorporate the query result for the query (column 3, lines 35-38 and lines 43-50), and wherein if the query result has changed, said third request automatically incorporates the query result for the query (column 3, lines 35-38 and lines 43-50).

9. Regarding claim 7, Nilsson disclosed storing, by the client device, the query result in a HyperText Transport Protocol (HTTP) request header provided to the content provider (column 3, line 1-10 and lines 55-63).

10. Regarding claim 8, Nilsson disclosed wherein the query is received in a HyperText Transport Protocol (HTTP) response header provided by the content provider (column 3, line 1-10 and lines 55-63).

11. Regarding claim 9, Nilsson disclosed wherein requesting the content and receiving the first reply is performed according to the Composite Capability/Preference Profiles (CC/PP) protocol (column 2, lines 40-47).

12. Regarding claim 10, Nilsson disclosed wherein the characteristic profile includes an entry indicating whether the client can be queried for a dynamic characteristic (column 3, lines 35-38 and lines 43-50).

13. Regarding claim 11, Nilsson disclosed wherein the characteristic profile is formatted as a UAProf profile (column 2, lines 40-47).

14. Regarding claim 12, Nilsson disclosed wherein the first reply comprises a selected one of the content or a frame-set for the content (column 3, line 1-10 and lines 55-63).

15. Regarding claims 13 and 20, Coulombe disclosed wherein the dynamic characteristic is a selected one of processor type, processor speed, processor mode, available memory, available storage, or available network connectivity (paragraph 0096).

16. Regarding claim 14, Nilsson disclosed wherein the dynamic characteristic is a selected one of availability of: peer clients, a camera, a microphone, a text to speech converter, a speech to text converter, a soft radio, a graphics processor (column 2, lines 40-47).

17. Regarding claim 15, Nilsson disclosed wherein the dynamic characteristic is availability of an encryption processor (column 2, lines 53-59).

18. Regarding claims 16 and 28, Nilsson disclosed receiving, by a content provider, from a client a first request for first content and a characteristic profile (column 3, lines 1-10), the characteristic profile including one or more characteristics of the client (column 3, lines 1-10); providing, by the content provider, a first response to the request

of the client lacking all of the requested first content (column 3, lines 1-10), but wherein the first response incorporates a query for a dynamic characteristic of the client (column 3, lines 43-54); receiving, by the content provider, a second request for the first content, wherein the second request incorporates a query result for the query (column 3, lines 43-54), the query result including the dynamic characteristic (column 3, lines 43-54); and providing, by the content provider, the first content to the client in accord with the dynamic characteristic (column 3, lines 1-10).

However Nilsson does not explicitly teach that the characteristic is a "dynamic" characteristic. Coulombe teaches query and reply for a "dynamic" characteristic of the client device (paragraph 0096). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature as taught by Coulombe in the system of Nilsson because both are from the same field of endeavor of profiling mobile device and in order to dynamically report a device's bit rate and adjust data content accordingly (paragraph 0001).

19. Regarding claim 17, Nilsson disclosed wherein the characteristic profile indicates the client may be queried for characteristics not identified in the characteristic profile (column 3, lines 35-38 and lines 43-50).

20. Regarding claim 19, Coulombe disclosed wherein the dynamic characteristic is a real-time attribute which changes while the client is operating (paragraph 0096).

21. Regarding claim 22, Nilsson disclosed a content provider communicatively coupled with a client (Fig. 2); wherein the content provider is operative to perform receiving from the client a first request for first content and a characteristic profile

including characteristics of the first client (column 3, lines 1-10), determining whether the client may be queried for dynamic characteristics (column 3, lines 1-10), providing a response to the first request of the client (column 3, lines 1-10), the response lacking all of the requested first content (column 3, lines 43-54), but wherein the response incorporates a query for a dynamic characteristic of the client (column 3, lines 43-54), receiving a second request for the first content incorporating a query result for the query (column 3, lines 43-54), the query result including the dynamic characteristic (column 3, lines 43-54), and providing the first content to the client in accord with the query result (column 3, lines 43-54); and wherein the client is operative to perform parsing the response to determine the query (column 3, lines 43-54), determining the query result, and providing the query result to the content provider in at least a second request for content (column 3, lines 1-10).

However Nilsson does not explicitly teach that the characteristic is a "dynamic" characteristic. Coulombe teaches query and reply for a "dynamic" characteristic of the client device (paragraph 0096). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the feature as taught by Coulombe in the system of Nilsson because both are from the same field of endeavor of profiling mobile device and in order to dynamically report a device's bit rate and adjust data content accordingly (paragraph 0001).

22. Regarding claim 23, Nilsson disclosed wherein the client and content provider utilize HTTP to exchange data in accord with the CC/PP protocol (column 3, line 1-10 and lines 55-63).

23. Regarding claim 27, Nilsson disclosed determine that the content is arranged in a hierarchical structure (column 3, lines 1-7); and determining if the content provider wants the query result to be automatically incorporate into a third requesting of second content from the content provider based on results of said determining (column 3, lines 35-38 and lines 43-50).

24. Regarding claim 28, Nilsson disclosed a machine-accessible media (column 3, lines 1-10); and a plurality of programming instructions stored on the media and configured to program a content provider to receive from a client a first request for first content and a characteristic profile (column 3, lines 1-10), the characteristic profile including characteristics of the client (column 3, lines 1-10); determine the client may be queried for dynamic characteristics not identified in the characteristic profile (column 3, lines 1-10), provide a first response to the first request of the client (column 3, lines 1-10), the first response lacking all of the requested first content (column 3, lines 1-10), but wherein the first response incorporates a query for a dynamic characteristic of the client (column 3, lines 1-10), receive a second request for the first content (column 3, lines 43-54), wherein the second request incorporates a query result for the query (column 3, lines 43-54), the query result including the dynamic characteristic (column 3, lines 43-54), and provide the first content to the client in accord with the dynamic characteristic (column 3, lines 43-54).

However Nilsson does not explicitly teach that the characteristic is a "dynamic" characteristic. Coulombe teaches query and reply for a "dynamic" characteristic of the client device (paragraph 0096). It would have been obvious to one of ordinary skill in the

art at the time of the invention to include the feature as taught by Coulombe in the system of Nilsson because both are from the same field of endeavor of profiling mobile device and in order to dynamically report a device's bit rate and adjust data content accordingly (paragraph 0001).

25. Regarding claim 30, Nilsson disclosed wherein the first content is arranged in a hierarchical structure, and the method further comprises determining (column 3, lines 35-38 and lines 43-50), by the client device, if the content provider wants the query result to be automatically incorporated into a third requesting of second content from the content provider that is lower in the hierarchical structure than the first content (column 3, lines 35-38 and lines 43-50).

26. Claims 21 and 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson in view of Coulombe, further in view of Hild et al (6,978,373), hereinafter referred to as Hild.

27. Regarding claims 21 and 29, Nilsson and Coulombe disclose the invention as described above. However neither explicitly teaches issuing a set-cookie command to the client to associate at least the first content with a cookie, wherein the cookie indicates the query result will be cached for all content associated with the cookie. Hild teaches a system that can use a set-cookie command to the client to associate at least the first content with a cookie, wherein the cookie indicates the query result will be cached for all content associated with the cookie (column 6, lines 52-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

include the cookie feature as taught by Hild in the method and system of Nilsson because both Hild and Nilsson are from the same field of endeavor of delivering networked content based on the CC/PP protocol and because the format of a cookie is another suitable format for storing a client's profile information (column 6, lines 58-61).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradford F. Fritz whose telephone number is 571-272-3860. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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NATHAN FLYNN
SUPERVISORY PATENT EXAMINER

